

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

December 10, 2001  
8:00 p.m.

Council Chambers  
Bellevue, Washington

PRESENT: Mayor Mosher, Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Degginger, Lee, and Noble

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:12 p.m. by Mayor Mosher, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers were present. Mr. Degginger led the flag salute.

(a) Swearing in of Councilmembers Davidson, Lee, and Marshall

Mayor Mosher noted that three Councilmembers were reelected to office in November. Dr. Davidson previously served on the Council from 1984 through 1995 and again in 1999. Most recently, he was appointed to complete the unexpired term of Ron Smith, who resigned from the Council in December 2000.

King County Superior Court Judge Brian Gain performed the swearing in ceremony for Councilmembers Don Davidson, Conrad Lee, and Connie Marshall. Mayor Mosher declared a short break for taking photographs, and the meeting resumed at 8:23 p.m.

3. Communications: Written and Oral

- (a) Leon Goodman urged Council to deny the proposed West Ravine Comprehensive Plan Amendment. He lives above the West Ravine property and is concerned about erosion of the slope.
- (b) Nancy Sartor urged Council to deny the proposed West Ravine CPA, which she feels is inconsistent with the Subarea Plan.

- (c) Henry Smilowicz asked Council to deny the proposed West Ravine CPA.
  - (d) Carolyn Scesniak, Eastside Estate Sales, expressed her opposition to the City's sign code. She feels it is unfair to prohibit A-board signs and that warnings should be given prior to issuing fines.
  - (e) Bernie Goddard commented on current City priorities, encouraged Council and staff to provide a new contract and salary increase for police officers, and suggested Council should focus on developing a public safety facility instead of a performing arts center.
4. Reports of Community Councils, Boards and Commissions: None.
5. Report of the City Manager

City Manager Steve Sarkozy announced that the International Association of Emergency Managers recognized the Bellevue Fire Department and KIXI Radio 880AM with a *Partners in Preparedness Award* for their efforts following the February Nisqually earthquake. Barb Graff, Emergency Preparedness Manager, presented awards to Dan Murphy, KIXI Assistant Program Director, and JoAnn Jordan, Bellevue Fire Department's Emergency Education Coordinator, who worked together immediately following the earthquake to create and air 13 public service announcements. KIXI Radio donated approximately \$52,500 in airtime for the announcements.

Mr. Sarkozy noted a management brief in the Council packet regarding the replacement of Meydenbauer Bridge. Transportation Director Goran Sparrman recalled that the Washington State Department of Transportation approved federal bridge replacement funds for this project in October. The project will be approximately 80 percent funded with the grant, which will allow the reallocation of City funds to other capital projects. The award of a contract is scheduled for February 2002.

Building Division Director Mike Brennan described the Neighborhood Fitness Program pilot project initiated in June which included citizen education, a neighborhood picnic, a City-sponsored Garage Sale Day, and a Neighborhood Cleanup Day in East Lake Hills. The Cleanup Day was held on November 19 and Rabanco provided, at no charge, personnel and trucks to collect 24 tons of garbage, 1.72 tons of yard waste, 62 appliances, and 61 tires.

At Mr. Sarkozy's request, Police Chief Jim Montgomery introduced Major Linda Pillo and announced her recent graduation from the FBI National Academy. Major Pillo described her experience in a class of 264 students at the academy, which included 30 international participants and 14 women.

6. Council Business

- ➡ Dr. Davidson moved to appoint Mayor Mosher to serve as temporary chair for the January 7, 2002, Council meeting, at which time a new Mayor and Deputy Mayor will be selected. Mrs. Marshall seconded the motion.

- ➡ The motion to appoint Mayor Mosher to serve as temporary chair for the January 7, 2002, Council meeting carried by a vote of 7-0.

Mr. Lee attended the National League of Cities conference in Atlanta, the lighting ceremony at Bellevue Botanical Gardens, a meeting of the West Lake Hills Citizen Advisory Committee, and Thanksgiving dinner at Crossroads Community Center. He represented the Council at the National Karate-do Federation's Junior Olympics and Masters Championships at Meydenbauer Center.

Mr. Degginger attended a meeting of the Disability Board and the swearing in of John McKay as U.S. Attorney for the Western District of Washington.

Deputy Mayor Marshall thanked Lt. Dan Hatten for his donation to acquire a gift for the citizens of Gambo, Newfoundland, in appreciation of their hospitality to Bellevue Police Lt. Steve Cercone and many others temporarily diverted to the town following the terrorist attacks of September 11.

Mrs. Marshall noted the one-year anniversary of City Manager Steve Sarkozy and thanked him for his service to the City.

Dr. Davidson attended the National League of Cities conference.

Mr. Creighton met with fellow Councilmembers and state legislators to discuss Bellevue's priorities, particularly transportation, for the upcoming legislative session.

Mr. Noble attended the Eastside Economic Forum, a Somerset Women for Medic I luncheon, and a meeting of the Eastside Human Services Forum.

Mayor Mosher attended the National League of Cities conference as Vice President of the Association of Washington Cities. He thanked all Councilmembers for their service to the community during the past year.

7. Approval of the Agenda

- ➡ Mrs. Marshall moved to amend the agenda to add Study Session items 2 (b) and (c) as Regular Session items 11(c)(3) and 12 (a), respectively. Mr. Degginger seconded the motion.

- ➡ The motion to approve the agenda, as amended, carried by a vote of 7-0.

8. Consent Calendar

Mayor Mosher requested pulling item 8(k) for Council discussion.

- ➡ Mr. Noble moved to approve the Consent Calendar, as amended, and Mrs. Marshall seconded the motion.

- ➡ The motion to approve the amended Consent Calendar carried by a vote of 7-0, and the following items were approved:
- (a) Minutes of November 19, 2001 Study Session  
Minutes of November 19, 2001 Regular Session
  - (b) Resolution No. 6629 authorizing execution of a contract with Digital Systems Technology, Inc. for a digital cablecast automation system for Bellevue Television in the amount of \$117,855 and will be reimbursed for 50% of the cost (\$58,927.50).
  - (c) Resolution No. 6630 authorizing the write-off of 16 uncollectable accounts totaling \$24,351.81.
  - (d) Amendments to agreements for Traffic Standards Code professional services
    - (1) Resolution No. 6631 approving an amendment to the professional services agreement with Foster Pepper and Shefelman PLLC for an amount not to exceed \$60,000 for a total contract amount of \$215,000 for legal services through completion of all appeals in the pending litigation concerning the Traffic Standards Code.
    - (2) Resolution No. 6632 approving an amendment to the professional services agreement with Graham and Dunn for an amount not to exceed \$40,000 for a total contract amount of \$180,000 for legal services through completion of all appeals in the pending litigation concerning the Traffic Standards Code.
  - (e) Resolution No. 6633 authorizing execution of an amendment to the agreement for professional services with Stafford Frey Cooper for legal representation in the matter of the Coroner's Inquest into the death of Nelson Martinez Mendez.
  - (f) Resolution No. 6634 authorizing execution of all necessary documents to finalize a Boundary Line Adjustment, #LW-00-265208, with Lakemont Village Limited Partnership; affecting the City's Tract T of the Amended Plat of Lakemont Division 3-1, Vol. 171, pages 1-16, King County Tax Identification Number 413942-0730-03, and Lakemont Village Limited Partnership's property commonly referred to as the Lakemont Shopping Center, King County Tax Identification Number 413942-0760.
  - (g) Resolution No. 6635 authorizing execution of a professional services agreement with Collins Woerman, Inc. to provide professional urban design consulting services as part of the Downtown Implementation Plan Update and Downtown Subarea Plan Review in an amount not to exceed \$115,000.

- (h) Resolution No. 6636 authorizing execution of a professional services agreement with Adolfson Associates, Inc. to provide the City with assistance in updating the Critical Areas policies and regulations in an amount not to exceed \$150,000.
- (i) Ordinance No. 5343 (Later administratively corrected to **Resolution No. 6645**) authorizing execution of an agreement for the Avondale Park redevelopment project as recommended by the ARCH (A Regional Coalition for Housing) Executive Board, utilizing \$150,000 from the Operating Grants and Donations Fund. *(Discussed with Council on 11/26/01)*
- (j) Motion to award Bid No. 0143 for rechannelization of 124<sup>th</sup> Avenue SE and SE 41<sup>st</sup> Place intersection to provide a southbound left-turn pocket and a westbound right-turn pocket in the amount of \$1,198,617.15 to Marshbank Construction as low bidder.
- (l) Resolution No. 6637 authorizing execution of a consultant agreement with Kristen Betty and Associates Inc. to provide construction inspection services for Stage 2 roadway improvements to Richards Road from SE 26<sup>th</sup> Street to Lake Hills Connector in the amount of \$154,650. (CIP Plan No. PW-R-79)
- (m) Resolution No. 6638 authorizing execution of an agreement with King County Department of Transportation regarding costs associated with implementation of the Downtown Residential Pass pilot program.
- (n) Ordinance No. 5344 authorizing execution of an interlocal agreement and supplements if necessary with the King County Department of Transportation to accept \$30,000 for the implementation of the Transit Signal Priority Project; authorizing expenditure of funds; amending the project budget for CIP Plan No. PW-M-2, Minor Capital – Traffic Improvements; amending the General CIP Plan budget by appropriating anticipated revenue in excess of estimated revenue thereto; and authorizing an interfund loan to cover temporary cash flow shortages that may result from related grant activity.
- (o) Resolution No. 6639 authorizing execution of a consultant agreement with Sverdrup Civil, Inc. to provide engineering services for preparation of an Intelligent Transportation System Master Plan in the amount of \$75,000. (CIP Plan No. PW-R-135)
- (p) Resolution No. 6640 granting a short-term extension to the electrical franchise previously granted to Puget Sound Power and Light Company (now doing business as Puget Sound Energy) pursuant to Resolution No. 4819; and amending Resolution No. 4819. *(Discussed at December 3 Council meeting.)*
- (q) Resolution No. 6641 authorizing execution of telecommunications right-of-way use/lease agreement and Addendum 1 (Site Lease Agreement) with Nextel West Corporation, dba Nextel Communications, for the installation, operation, and

maintenance of wireless communications facilities in certain right-of-way subject to certain conditions.

- (r) Resolution No. 6642 authorizing execution of an interlocal agreement with the City of Seattle for the relocation of a City of Seattle water transmission main as part of Bellevue's East Creek/Kamber Road Culverts Replacement Project. (CIP Plan No. D-91)

Item for Council discussion:

- (k) Motion to award Bid No. 0131 for construction of the extension of NE 2<sup>nd</sup> Street between 112<sup>th</sup> Avenue NE and 114<sup>th</sup> Avenue NE as part of the I-405/Bellevue Downtown Access Project in the amount of \$488,612.75 to Precision Earthworks, Inc. as low bidder.

Responding to Mayor Mosher, Mr. Sparrman explained that recent construction bids are coming in below budget estimates due to the economic recession. This is good news for the City and will allow the reallocation of funds to other capital priorities.

➡ Mrs. Marshall moved to award Bid No. 0131, and Mr. Lee seconded the motion.

➡ The motion to award Bid No. 0131 carried by a vote of 7-0.

9. Public Hearings

- (a) Motion to open the second public hearing to obtain citizen input establishing R-2.5 (Single family residential – 2.5 units per acre) pre-annexation zoning for unincorporated land, known as the Cole property, in Bellevue's Potential Annexation Area (PAA) located at 6114 164<sup>th</sup> Avenue SE.

Associate Planner Nicholas Matz said this is the second of two public hearings regarding pre-annexation zoning for the Cole property in Bellevue's Potential Annexation Area.

➡ Mrs. Marshall moved to open the public hearing, and Mr. Noble seconded the motion.

➡ The motion to open the public hearing carried by a vote of 7-0.

No one came forward to comment on the issue.

➡ Mrs. Marshall moved to close the public hearing, and Mr. Noble seconded the motion.

➡ The motion to close the public hearing carried by a vote of 7-0.

- (1) Ordinance No. 5345 adopting a proposed zoning regulation of R-2.5 (Single family residential – 2.5 units per acre) to become effective upon annexation of a 5.62-acre area in unincorporated King County located at

6114 164<sup>th</sup> Avenue SE within Bellevue's Potential Annexation Area (PAA) known as the Cole property.

- ➡ Mrs. Marshall moved to adopt Ordinance No. 5345, and Mr. Noble seconded the motion.

In response to Dr. Davidson, Mr. Matz said testimony at the Planning Commission's public hearing indicated that the R-2.5 zoning designation is appropriate based on developed densities adjacent to the property.

Responding to Mayor Mosher, Mr. Matz said the property owners had requested an R-3.5 zoning designation.

Mr. Lee expressed support for the motion and cautioned against increasing density on Cougar Mountain.

- ➡ The motion to adopt Ordinance No. 5345 carried by a vote of 7-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) Emergency Declaration and related actions for West Lake Sammamish Parkway

- (1) Resolution No. 6643 certifying the existence of an emergency requiring public works without bid to address the blocked storm water culvert under West Lake Sammamish Parkway.
- (2) Ordinance No. 5346 amending the 2001-2007 Capital Investment Plan by creating a new project in the Plan (West Lake Sammamish Emergency Culvert Replacement, CIP Project No. D-93) and increasing the appropriation to the Utility CIP Fund by \$200,000 from Storm Utility Reserves to address the blocked storm water culvert.

Mr. Sarkozy explained that the two items for Council action are related to the blockage of a stormwater culvert on West Lake Sammamish Parkway. Resolution No. 6643 waives the contract bidding process in order to allow the immediate installation of a new culvert. Ordinance No. 5346 appropriates \$200,000 from Storm Utility reserves to complete this project.

- ➡ Mrs. Marshall moved to adopt Resolution No. 6643 and Ordinance No. 5346, and Mr. Creighton seconded the motion.

In response to Mr. Degginger, Utilities Director Lloyd Warren said installation of the culvert will take approximately one week.

- ➡ The motion to adopt Resolution No. 6643 and Ordinance No. 5346 carried by a vote of 7-0.

(b) Purchase of property at Meydenbauer Bay

Mr. Sarkozy noted the proposal to purchase and provide public access to lakefront property as part of the City's long-term parks acquisition program. Parks and Community Services Director Patrick Foran said the requested Council actions will enable the City to complete its marina development project.

- (1) Resolution No. 6644 authorizing execution of all documents necessary for the purchase of approximately 27,989 square feet of land located at 1 – 99<sup>th</sup> Avenue NE and 3 – 99<sup>th</sup> Avenue NE from William S. and Anne B. Lagen as husband and wife, and Joseph Lagen as his separate estate, in the amount of \$3,942,500 plus \$4,000 in estimated closing costs. (CIP Plan Nos. P-AD-15 and P-AD-74)

➡ Mrs. Marshall moved to approve Resolution No. 6644, and Mr. Noble seconded the motion.

➡ The motion to approve Resolution No. 6644 carried by a vote of 7-0.

- (2) Motion to increase the project budget for CIP Plan No. P-AD-74, Waterfront Acquisitions, to reflect the purchase price and estimated closing costs for the purchase of the Lagen property which shall be funded through a transfer of budget authority from CIP Plan No. P-AD-15, Property Acquisition.

➡ Mrs. Marshall moved to increase the project budget for CIP Plan No. P-AD-74 as requested, and Mr. Noble seconded the motion.

➡ The motion to increase the project budget for CIP Plan No. P-AD-74 as requested carried by a vote of 7-0.

(c) Ordinances relating to the Comprehensive Plan

Planning Director Dan Stroh briefly reviewed the proposed Comprehensive Plan Amendments previously discussed by the Council. Senior Planner Emil King explained that a modified proposal for the Cedar Terrace CPA, requesting a map change from light industrial (LI) to multifamily-medium (MF-M), was reviewed by the Planning Commission. Following substantial review and a public hearing, the Planning Commission recommends approval of the modified request by a vote of 5-0. Mr. Stroh said staff recommends approval of the first three items and denial of the West Ravine CPA.

- (2) Ordinance No. 5348 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2001 amendment to the Comprehensive Plan; amending the Newcastle Subarea Plan Map of the Comprehensive Plan; designating a Subarea Planning District boundary



for the Sambica properties; and adding new policies guiding planning efforts for the historic Sambica properties.

*( West Lake Sammamish Comprehensive Plan Amendment)*

➡ Mrs. Marshall moved to adopt Ordinance No. 5348, and Mr. Lee seconded the motion.

➡ The motion to adopt Ordinance No. 5348 carried by a vote of 7-0.

- (3) Ordinance No. 5349 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2001 amendment to the Comprehensive Plan; amending the North Bellevue Subarea Plan Map of the Comprehensive Plan.

*(Cedar Terrace Comprehensive Plan Amendment; December 10 Study Session agenda item.)*

➡ Mrs. Marshall moved to adopt Ordinance No. 5349, and Mr. Lee seconded the motion.

➡ The motion to adopt Ordinance No. 5349 carried by a vote of 7-0.

- (4) Ordinance No. 5350 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2001 amendment to the Comprehensive Plan; amending the Newport Hills Subarea Plan Map of the Comprehensive Plan.

*( West Ravine Comprehensive Plan Amendment.)*

Mr. Degginger recused himself from consideration of this item and stepped down from the dais.

➡ Mrs. Marshall moved to deny Ordinance No. 5350 and to deny the West Ravine Comprehensive Plan Amendment, and Mr. Mosher seconded the motion.

In response to some confusion regarding the language of the ordinance as provided in the Council packet, Mayor Mosher clarified the intent of the motion to deny the West Ravine CPA and asked staff to correct the ordinance language accordingly following Council's vote.

Dr. Davidson expressed concern regarding the steep slope on the West Ravine site. He feels the site is better suited to office development than residential uses.

➡ As a substitute motion, Dr. Davidson moved to approve Ordinance No. 5350 and the West Ravine CPA, and Mr. Lee seconded the motion.

Deputy Mayor Marshall said Newport Hills was annexed in 1993, at which time the City Council made a commitment to retain residential zoning for the site. She feels it is important to fulfill this promise and to concentrate office development in the downtown area.

Mayor Mosher, who served on the Planning Commission at the time this site was discussed, commented on some of the issues at the time. He supports denial of the West Ravine CPA.

Mr. Lee does not support the request for office development on the West Ravine site. He feels it is important for residents to understand, however, that future development could occur on the site even if Council denies the current CPA request.

Mr. Noble agreed with Dr. Davidson that the site is better suited to office than residential development. However, given the commitment to residents upon annexation, he cannot support the requested change to office zoning.

Mr. Creighton feels that an office development and reinforcement of the slope makes good sense. He acknowledged that this would be inconsistent with the Newport Hills Subarea Plan and the wishes of residents, however, and he will support denial of the West Ravine CPA.

➡ The substitute motion to approve Ordinance No. 5350 and the West Ravine CPA failed by a vote of 1-5, with Dr. Davidson in favor and Mr. Degginger absent from the table.

➡ The motion to deny Ordinance No. 5350 and to deny the West Ravine CPA carried by a vote of 5-1, with Dr. Davidson dissenting and Mr. Degginger absent from the table.

- (1) Ordinance No. 5347 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and as adopted pursuant to Chapter 35A.63 RCW, adopting the City's 2001 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 5348, 5349, and 5350.

➡ Mrs. Marshall moved to adopt Ordinance No. 5347, amended to approve Ordinance Nos. 5348 and 5349 and to delete Ordinance No. 5350. Mr. Lee seconded the motion.

➡ The motion to adopt Ordinance No. 5347, as amended to delete Ordinance No. 5350, carried by a vote of 6-0, with Mr. Degginger absent from the table.

## 12. Unfinished Business

- (a) Evaluation of King County Metro Bus Rapid Transit (BRT) Partnership Proposal [Study Session Agenda Item 2(c)]

Bernard van de Kamp, Transportation Regional Projects Manager, explained that King County Metro is considering three corridors for the initial implementation of bus rapid transit. One of the candidate corridors is NE 8<sup>th</sup> Street, 156<sup>th</sup> Avenue NE, and SR 520 connecting Bellevue, Overlake, and downtown Redmond. Mr. van de Kamp requested Council direction regarding this proposal.

Mr. Noble noted that other corridors in King County are also under consideration for initial implementation. While the proposal will not provide true bus rapid transit running on a separate

guideway, the project provides shorter headways and improved consistency through a variety of service optimization measures.

- Mr. Noble moved to conditionally endorse the King County Metro Bus Rapid Transit Partnership Proposal, recognizing that this service would not be implemented until 2005 and could therefore be refined based on ridership projections and other considerations. Mrs. Marshall seconded the motion.

Mr. van de Kamp agreed with Mr. Noble's comments and characterized the proposal as bus reliable transit on existing arterials, with the potential for dedicated HOV lanes in the future.

In response to Mr. Lee, Mr. van de Kamp clarified that HOV lanes are not part of Metro's current proposal.

- The motion to conditionally endorse the King County Metro Bus Rapid Transit Partnership Proposal carried by a vote of 7-0.

13. Continued Oral Communications: None.

14. New business: None.

15. Executive Session: None.

16. Adjournment

At 10:00 p.m., Mayor Mosher declared the meeting adjourned.

Myrna L. Basich  
City Clerk

kaw